



IDAHO DEPARTMENT OF HEALTH & WELFARE  
**DIVISION OF PUBLIC HEALTH**

## **Cottage Food Public Meeting Transcript**

H = Division of Public Health Employee

A = Meeting Attendee

H1, H2, etc = Health District Employee

April 27<sup>th</sup>, Coeur d'Alene

H: I would like to ask the question, what are your opinions, what are your thoughts?

A: First of all, you were talking about the terminology for PHF food transitioning to currently TCS food.

H: That is one of the proposals I am making to the Idaho food code is that we replace the term PHF with the term TCS.

A: So that's part of the promulgation, further defining the statute?

H: Right.

A: You just mentioned concerns you have about the cottage foods, but that wasn't part of the presentation so far.

H: Yeah, that was just me speaking, I'm sorry. One of the reasons we don't require regulation on those non-TCS foods that I listed out is because we know from history that those foods pose very little, if any, threat to public health. And so, like business owners, we also have limited resources and we would rather spend those resources on the foods we do know present some risk to public health. So our practice has always been, if you are making those non-TCS foods we don't regulate them. There doesn't seem to be any public health risk with that.

A: But cottage foods include these potentially hazardous foods. That is what we are concerned with.

H: Well, right now they don't. Right now what we allow are those non-TCS foods. If you are making a potentially hazardous food, that is subject to licensure and inspection by your Health Districts.

A: Okay, and say work potlucks where we bring food from home?

H: Well, for a potluck dinner, there is another part of the statute that I did not outline. If you are involved in a fraternal, benevolent, non-profit organization and you are having a potluck dinner, that's not regulated in statute. And we have no intention, whatsoever, of regulating a potluck dinner.

A: Okay, so that would be the member, I'm a member of the Sons of.....right here and so members and guests are okay?

H: Yes, so in current statute, in your case you represent a fraternal, non-profit, benevolent organization, we call those FBNs; you are representing an FBN. The current statute says that if you provide one meal a week you are exempt from the definition of a food establishment.

A: And no one is interested in changing that?

H: I don't have any interest in changing that. If there is somebody who is interested in changing that, I'm not aware. Nobody has brought that to my attention.

A: That was the right answer.

H: And I have no intention of regulating the potluck dinner.

A: Where we have this cottage food industry, it is kind of a hobbyist type and they are offsetting their costs maybe by going to the farmer's market. I don't see anything wrong with that and I think they should be left alone. We don't have any – you know – people are not going door-to-door selling their products that they make from home or anything like that. So all of our business is pretty much regulated by these two people and I don't know if anything needs to be done at all. Just let it be as it is.

H: If I am hearing you correctly, you are advocating just maintaining our current practice.

A: Yeah. Yeah, leaving people alone to do their thing. It doesn't seem to make much sense to change something that isn't broken. You know, it's just people having a good time.

H: I appreciate you saying that. Thank you.

A: Well, in Boise, it might be different down there, but here, that's how it is.

A: So, I have a question. By looking at your examples or list – so how, I'm going to ask for statistics here – so if you are wanting to regulate this more, I am assuming some kind of issue has come up that is prompting this kind of legislation. Are people getting sick from meats, cooked starches, and cooked products and our products?

H: Everyday people get sick from meats and cooked starches. Yes.

A: From unregulated cottage industry, is what I meant to say.

H: I don't know, because it is unregulated, I don't have those statistics. But what I am telling you is by current definition, and current practice, if your business is making those foods you are subject to licensure and inspection.

A: Okay, so, I guess my next question is, are we trying to regulate a small person who is making money from their hobby in the current economic environment so much so that we are going to put them out of business? When it's not them, I mean is there anything saying that it is the cottage industry that is making people sick, not main-stream?

A: I think I understand what you are saying. Dale, do you want to address that?

H2: Yeah, Dale Peck from the Panhandle Health District. Don't get us wrong. Neither Health and Welfare nor the Health Districts proposed this legislation. The regulators do not propose the legislation. We do not see a threat from what are currently, today, not-defined cottage foods. Serving non-potentially hazardous or non-TCS foods are not an issue with us. We do not believe that it needs to be regulated.

H: Now, keep in mind that I testified in opposition to 187.

H2: And the Health Districts are in agreement with that.

A: Where is the list of the foods?

H: These are just typical examples and I mentioned this list is not exhaustive, it's not meant to be. If you are doing something outside of this list that is a TCS food. These are some typical examples of a non-TCS food. The problem, from my perspective, is that if I give a definitive list, every time there is a change in formulation or a change in recipe, it might change the nature of that food. For example, I have up here, candies. This last weekend I had a producer who wanted to make candied bacon. So she wants to take raw bacon, maple syrup and other things and make it a candied product. Because she is dealing with a raw meat it is a TCS food.

A: It's good. But she will cook it. The candy itself will be cooked. But she is starting with a raw product, so what he is saying is this is not making bread from flour. Bacon is a raw meat.

H: It is and I think in that particular case, again without doing the analysis or research of it, my initial answer is that, 'yes that is a TCS food because you are dealing with raw meat.' If this person can bring to me some evidence that it is not, in fact, a TCS food, I'm absolutely willing to look at that.

Panhandle Health has a practice right now where they will frequently refer someone to Washington State University. They can have a product analysis done on their food and if WSU can come back and say this is outside of the pH range and the water activity range, absolutely, we will look at that and say it's a non-TCS food.

- H2: Patrick, even better than that, the university will give that person suggestions on best practices of how to process and make sure how that product stays safe. So they are doing an analysis not just of the end product but the process. So it's very helpful for a small business to know what they're doing.
- H: To be fair, it is not a free thing that they offer, there is a cost to it, but that option is there. Absolutely, for someone to say that 'this food is non-TCS food and we think it should fall under this category.'
- A: I went to Panhandle Health and asked a couple of questions a week or two weeks ago, and in order to make this stuff, the TCS, you have to have a certified kitchen. Can't be attached to the house, the walls have got to be closed, you have to have three-sinks and it looked – I mean it is actually a business. They are taking you out – I mean if it is not this – they are taking you out of business because of the cost of that kitchen. I mean, it would be a tremendous amount of money.
- H: Can I interrupt you for a second? Let me address the home kitchen thing for a second. I am frequently asked 'can I use my home as my base of operations?' Well, if you are doing these foods the answer is 'yes, because we don't regulate them.' If you are outside of this definition, my advice to the Health Districts is 'no, we generally do not allow a private home for that use.' And here is why. The statutes also say that the regulatory authority in Idaho must conduct unannounced inspections at every food establishment. Well, if you are a homeowner, and you are operating out of your home, we look at that and think 'well, that's a little unfair, to expect you to be sitting at home waiting for us to show up to conduct an unannounced inspection.' You want to go on vacation? Go on vacation. But if we were show up on the week you are on vacation we are like 'well, nobody is here, is the business closed? What are we doing here?' So we really don't think it is fair to expect a homeowner to sit around waiting for us to conduct an unannounced home inspection. Consequently, my advice to the health districts is, just generally speaking, 'no we don't allow homes' for that reason.
- H2: The other is that it is pretty difficult for the home environment to meet the standards necessary to be a licensed food establishment. I mean it is not impossible, but quite difficult.
- A: And you have fruit jams on that list. Does Applesauce come under that?
- A: I thought you did jam.
- A: No, I'm not just asking.
- H: Applesauce is one of those that I don't have enough data to give you a definitive answer on that right now. That's one where I would have to say 'take your product to WSU and do an analysis on it.'
- H2: It would likely be like apple butter and would not pass the water activity.

H: The water activity of a food – that's the measurement of how quickly available water can evaporate off of a food.

H2: Which is one of the methods which regulates growth of bacteria. Applesauce, probably in the processing of it, would not be non-TCS.

A: And Marinara?

H2: Definitely, that would not.

A: And Applesauce, if you took it and had it checked?

H3: Yeah, if we don't know right off when you come to one of our inspectors that's when we refer you to the process review authority, because they have the ability to test that product. And we get something in writing saying, 'you know what – it's not a TCS, because of the pH, or the water activity. And we have that and say 'great, you're not regulated.'

A: You don't have anybody here in Kootenai County?

H3: Well, there are. It has to be a lab that is set up to test food products for those things. There is more than WSU. There are a lot of other labs that you can potentially take it to.

H2: Yeah, WSU is kind of the most convenient, I think.

A: And probably the cheapest too.

H3: Yeah, they might be. Their turnaround time is pretty good too. And they are a process review authority for foods. They have a whole food science center.

H: Now, what makes a jam and jelly different is there is a biochemical reaction that takes place between the sugars, the pectin, and the fructose in the fruit. The pectin and any sugar that you add to it, the biochemical reaction binds the available water molecules that are in that food and makes it so it cannot evaporate off. Have you ever taken a jar of jelly and set it out on the counter? It kind of dries out, but it takes several days for that to happen. And that's because of that water activity measurement that we are talking about.

A: Now, I'm probably over my head, but if you took a jar that is made of applesauce and you take it to wherever you are telling me, they check the product? Is that a correct statement?

H3: They can test it for the acidity and they can do the water activity test. They can tell us that it is a TCS food, or they can say, no, it is not, and that it is a low-risk food.

A: Okay, for example, water from Coeur d'Alene Lake versus the aquifer, is there a difference from that?

- H3: The only requirement for water is that it has to be an approved water source. Either that is a public regulated water system or, if it is a private well, it has to be tested and meet the same standards as a regulated public water system.
- A: So if you have a well, you need to have a current...
- H: Yeah, we will ask you to have a bacterial sample done yearly. And, you guys did a nitrate priority up here? Okay, then you probably wouldn't need to test the nitrates. And, I'll admit, it's been twelve years since I worked in the field. I started my career in Pocatello. When I was working in the field that bacterial test ran about \$11.00.
- H3: It's \$18.00 to \$20.00 now.
- A: The article that alerted me of this meeting in the paper here in Coeur d'Alene, the anecdote was this lady was making cupcakes, but it sounds like....
- H: Yes, so that is perfectly legal, perfectly acceptable. It's allowed. And if we maintain our current practice, it will continue that way. It is not our intention to change that. The reason I am having these public meetings is I am hearing from folks like you so I can make a determination on what the majority of stakeholders want. If the majority of the stakeholders want us to leave this alone; we'll leave it alone. Now, to be fair, this is the second meeting that I've had. I'm going to have 18 meetings like this around the State. I don't know what the consensus is yet.
- A: So, I guess to be clear, the question at stake is to regulate even the non-TCS?
- H: That is what House Bill 187 would have done, but I don't know what those rules would have looked like. If 187 had passed, you and I would be sitting down having what we call a "negotiated rulemaking" meeting to talk about what would those rules look like? Would they be complex, would they be easy? I don't know the answer to that. Right now I don't have to have that conversation because 187 did not pass. But if it had passed, we would have done that.
- A: What is 106?
- H: Okay, 106 was another bill that did not get a public hearing. 106 basically would have exempted this stuff in statute. We were in support of that; the Health Districts were in support of that. 106 did not get a hearing by the legislature.
- H2: Patrick, just one other clarification. One of things that the Health Districts had difficulty with was this gray zone between regulated and non-regulated. 187 would have registered cottage foods. That is difficult if you have to get registered but you're not regulated. Then, what if you are in violation of the statute and there are no enforcement rules. We would prefer you either be licensed and regulated or not. Not somewhere in between. That was one of the other difficulties and the burden in 187. As Patrick indicated, that made this other classification of facilities which weren't really regulated but you still had to register. And what if you don't

register, then what do you do? I think that's not where we would prefer to go. Let's regulate those that have a public health threat and those that don't, leave them alone.

H: Now, can I go back to what you said earlier? You asked about whether these outbreaks are coming from cottage foods or not. The best answer I can give you – I'm saying this as a food safety expert, okay? Some of the organisms that we get concerned about don't care whether you are making \$200.00 a year or \$200 million a year.

A: I'm well aware of that.

H: They grow in food. That's the reality. The comment has been made to me 'your food safety regulations in Idaho are not designed around a small business.' That's a fair statement. That is a correct statement. The food safety regulations in Idaho – I intend for them to be written around the science of food safety. If I can't explain to you why a regulation is in place in the Idaho Food Code or something else – if I can't explain why that rule is there – then maybe it is not a good rule and maybe I need to reconsider that rule. So to go back to your point, no, I don't have any specific data about the size of businesses that are causing outbreaks. We have the data about the types of foods that cause the outbreaks. Yes sir?

A: Who is driving all this food law legislation?

H: You know, I don't have an exact answer to that question. It's a very fair question. I don't have the exact answer. What I have been told is that there are some vendors, specifically in the Treasure Valley area, who have been told that they have to operate out of an approved kitchen. And so that is part of what prompted this. Now it's important to understand that if a bill like 106 or 187 or any other bill gets passed in the future – nothing will prevent a farmer's market management group from creating their own standards. And I know that the markets in Boise do have their own policies. They do want vendors to operate from an approved kitchen. But that wasn't the State that told them that. That was the policy that they created for their vendors. So even if 187 had passed, the vendors, unless the folks at Capital City Market and Boise Farmer's Market change their policies, would still have to operate from an approved kitchen. Nothing in this law would preempt a business from establishing their own standards like the Farmer's Market Management Group would.

A: And that's where it should come from.

H: I tend to agree with you.

A: Yeah, these venues should self-regulate their own selves and not have State regulations that will hamper public health.

H: I know that Panhandle Health District, and I think all the other Health Districts, really rely a lot on some of these Farmer's Market Management groups to be able to say 'okay, if you want to rent a space at this Saturday's farmer's market and you're going to sell food, you got to bring us a letter from Panhandle Health that either says you meet this non-TCS definition, therefore you

are exempt, or you have the appropriate license and inspection already taking place. I know that you guys rely on the Kootenai County Markets to work with you guys in that kind of a partnership.

H3: We do. I mean a long time ago they would have all vendors get the low-letter or you had to have a license. But as years passed it's more flexible at the farmers market. Now she just gives me a call. But we've established that relationship. She doesn't always need that letter from a vendor, but it is their choice whether to require that or not; and it is not our requirement.

H: And this letter is an example of one thing we can do from our end to make it more consistent. Right now, because there are seven different health districts, that letter might look a little bit different here than it does in Lewiston or Moscow. We could try to standardize that letter in some way and make it a little more consistent. That is one of the things that we are interested in trying to do to make this more understandable.

A: I'm all for it. Now on the vinegar, is that just vinegar itself or vinegar products?

H: It's also the vinegar products, except for the flavored vinegar that comes in.

A: So pickling something? Does that fall under it? Because it's still got vinegar in it so it has the pH stuff.

H: Right, and I've been asked this question and I'm certainly willing to have the conversation in the future about 'what do we do with a pickled product?' I'm not concerned about the end product. I am concerned about getting from point A to point B of the end product. If that acidification is not done correctly – that processing in the food safety world we call that acidification – if that acidification is not done properly, you have a very real threat for allowing *Clostridium botulinum* which causes Botulism to grow in the food. Once the end product is in place it is probably fine. But if we don't take the right steps to get to that end product there is a very real potential for some serious concerns. Unfortunately, the way the food business works a lot of times, is a person who buys a product from vendor A that didn't go through all the proper acidification steps, and their family gets sick, they most likely don't associate it with vendor A, they associate it with where they bought the product. So if they bought the product at Kootenai County Farmer's Market, everybody at Kootenai County Farmer's Market is placed under this umbrella, unfairly, but they are placed under this thing 'well, it was the farmer's market that caused me to get sick'. It's an unfair statement but that is typically what we see from Public Health. That people don't associate it with the individual food; they associate it with where they bought it.

A: I agree with that.

H: So I'm certainly willing to have a conversation about acidified foods, but right now we don't allow it.

A: I wouldn't do that. I disagree with that statement.



H: Which statement?

A: That I would associate my pickles at the farmer's market and if I buy beef and it makes me sick from the grocery store, I'm not associating, yes I bought it from the grocery store, but who provided it to the grocery store.

H: Sure, and I understand your disagreement. I'm just telling you from nationwide data that we get that seems to be the trend. That people don't associate it with an individual vendor; they associate it from where they bought the product from. Generally speaking, I'm not saying that that is 100% true in all the cases; I'm speaking in terms of generality.

A: Back to that question of the driving wheel, like in Boise, do they have illegal kitchens that are selling things out of shopping carts up and down the streets?

H: I'm sure there are. I'm at the disadvantage of sitting in my office for 8 hours a day.

A: I'm wondering if there is more to the need of all of this than what any of us possibly see.

H: I don't know how to answer that question.

A: As a follow up to that, is this a nationwide trend? Where does Idaho fit in terms of the rules, laws and regulations of the cottage food vendors? Is this definition issue kind of a trend that's going across the country?

H: The cottage food movement is actually growing across the country. We in Idaho, right now, are one of only a handful of states that does not have any specific language in statute or rule that specifically addresses cottage foods. And that might be part of what is driving the issue too, is that we don't have specific language spelled out about what are cottage foods and what is allowed.

A: Is small manufacturing starting to grow?

H: Absolutely, they are.

H2: If it's alright, I can expand on that one. The approach we have taken is that if it is not prohibited then it is allowed. But some people have trouble if it is not specifically allowed in statute. There could be some advantage – and our recommendation would be in rule, not statute – just to define cottage foods so those who are uneasy about not being allowed, at least would have a definition in which to refer to. Right now, since it doesn't appear, we are using the type of food; TSC, non-potentially hazardous, as the method in which to define cottage food that doesn't show up in statute. It just depends on the approach you take. We take the approach that if it is not prohibited then it's allowed, and that's fine. That is the approach the Health Districts and Health and Welfare have taken. Others want to see it allowed, or it isn't approved. Just having a definition that would define it and say that it's exempt might be helpful, but the rest of what

was in the bill, at least in our opinion, isn't necessary. But just having it defined might be useful for those that want to see it allowed somewhere in statute or in rule.

A: If it's not defined and someone is starting a small business and there isn't a definition in statute, that would make it harder to insure the product before you take it to market.

H: That's a fair question. I don't know the answer.

H2: Someone had said that they could not get insurance because it was not an allowed authorized food. It's not something we have prohibited from happening but from a business viewpoint, it might be more difficult.

H: And that's a very fair consideration to make there. I'm not an insurance exec. And I've never asked that question.

A: Two questions, one is just a clarification. So if her cupcakes had chopped fresh apple in it rather than applesauce she would fall under the non-TCS?

H: Yes.

H2: No, not if it is baked.

H: She said chopped fresh apple.

H2: But if it is baked after I mean the apples are put in the batter? Yeah, that would be fine.

A: Sounds like it depends on the ingredient itself that goes into the cupcakes.

H2: It's the process. It is the baking is what takes care of, and baking at 400 degrees, removing the water and killing the bacteria. It is the process of it, in that case.

H: This conversation is a great example of why I say "typical examples of non-TCS foods" and I also say "this list is not exhaustive."

H2: You shouldn't eat cookie batter or dough prior to it being baked because it has raw eggs in it.

A: But if the cupcake had cream cheese frosting?

H: If the cupcake had cream cheese frosting, an authentic cream cheese frosting, that could change things.

A: How do B & B's fall into this?

H: B&B, Bed and Breakfast?

A: Yes.

H: Great question. So, the question was asked, what about Bed and Breakfasts? Where does that fall into things? In Idaho, also under existing statute, a bed and breakfast with 10 beds or fewer is exempt in Idaho statute provided that you are serving breakfast to the guests. Do you operate a bed and breakfast?

A: Not right now.

H: Okay, in the future, when you operate your bed and breakfast and you want to open up your doors for a general lunch and invite anybody in for lunch, or if it is going to someone beyond your guests, or you have more than 10 beds, then you are not considered exempt in Idaho statute. Then you would still be subject to the food safety regulations. But, let's be fair. Ten beds is a lot at a bed and breakfast!

A: So you are saying I cannot open it up for lunches?

H3: If you open it up for lunches, no matter how many beds you have, you are a restaurant.

A: Okay, we all know that there are businesses that do an event and then have the people who pay for the event as their guest at a barbecue or something, or a cookout. How does that construct legally.

H2: Probably as catering and most likely we would classify that as a caterer and they would be regulated for doing this as a business.

H3: Either they are either doing it under the license they already have for the establishment or if they are not and they are having an event that is open to the public, then they would have to get a "temp event" and be licensed to do that event if they are not a non-profit, benevolent, etc. There are a lot of weekend customer appreciation cookout events that go on and they are required to be licensed to do that. We are not policing the streets looking for them. If we know about and we drive by one, we will stop in and kind of see what is going on.

A: Is that complicated or not complicated?

H3: It depends on how many are going on that don't check in with us and what we happen to run across on the weekend.

A: That's not clear to me what you are talking about. Would you be more specific?

H3: Like for example, a business wants to have a customer appreciation day and they are going to provide hamburgers and hot dogs. They are required to come in and get what is called a "temporary event license." They need to have the right equipment, and they get a license and they are inspected by Panhandle to do that type of thing.

H: Now, to be fair, with a temporary event, we do have quite a bit of leeway about exactly what we are talking about with equipment. For example, typically what we allow for a hand washing set-up at a temporary event can be as simple as an igloo cooler filled with warm water, soap, paper

towels available, and a catch-basin underneath to catch the water coming off your hands. For a three-compartment sink, we will typically allow something like three Rubbermaid tubs sitting side-by-side. So we are not necessarily talking about you have to have a fully plumbed facility or something like that. There are things that we will try to work with an operator at a temporary event to make sure that the event can still take place.

A: Operator versus owner?

H3: The operator is the designee as being in charge. And the reason why we really want them to be licensed and inspected is generally, there are people doing the event that don't work in the food industry regularly, and if they are doing hamburgers, hot dogs like that – that would be a great opportunity, unfortunately, for some food safety risks to be present and you could have a huge outbreak, one weekend at a barbecue or something.

H2: The whole objective of licensure is education and outreach. It's not inspection. We only inspect facilities one day a year. It is what they do the other 364 that is important. And what it is that we try to impart to the owner or operator is the principles of good food safety so that they are doing that every day with their staff. It is the cheapest insurance policy any food outlet can have. One foodborne outbreak almost guarantees that a business goes out, and is gone. They can't afford that. All we are there to do is to assist them in making sure that they understand the principles of food safety so they can pass that along on a daily basis. And we have been very successful. We have only had one outbreak in the five northern counties in the last seven years. That was from a sick employee. So we are doing something right out there to be able to help 1,300 food establishments do it right, every day.

A: The food truck industry is getting all glamorized down in the city of Coeur d'Alene and how do they do the three sinks and how do they get all that in the food truck. How do they operate?

H2: Some of them are very sophisticated. And they do a great job. They have to meet the same level of standards as anywhere else. Now, one thing they can do, and many of them do, is preparation in an authorized commissary in their business and just serve it there. That can cut down substantially on what they have to prepare. They do not have to wash dishes from prep or from serving if they are serving everything on paper plates without utensils. It cuts down substantially. They may not have to have a dishwasher, for example, in the facility if that work is being done in their commissary. So, some of them do that preparation and they can have lesser...they just need to have good refrigeration and they need to have good temperature control for whatever cooking they are doing.

H3: Most of these trucks are cleaner than a restaurant.

H2: Some of them are very sophisticated now.

A: I'm curious about starting a business here and using some of the cricket bread food would be processed in the kitchen. Is that something I should talk to Panhandle Health?

H: Yes, that would be the best. I could give you my advice, but again, I'm at the disadvantage of usually sitting in my office in Boise, and I may not know, and frequently don't know, the local things that are taking place. Yeah, my advice would be to give Panhandle Health a call.

A: I believe we leave cottage food under free reign. Right now it is unregulated until they can figure out what they want to do. I think less regulation is the best.

H: Until who can figure out what they're going to do? Who is the 'they'?

A: The cottage people.

H: Alright, because if the 'they' is me, then that's what I am here to find out.

A: I wanted to hear more about the cricket bread but that guy left.

H3: It's a new product. It is coming into the market, just like sweet potato flour now is coming into the market, and it has a lot less starch. So these are going to be just one of those things like quinoa flour. We never heard of quinoa and then all of a sudden we had quinoa flour.

A: You are talking about real crickets?

H3: Yes, they are real crickets; they are dehydrated and are then ground up.

A: So, for the late people that came in, can you give me the website again for your PowerPoint presentation?

A: Let me explain the situation Patrick. This happens all of the time in the legislature, where you get a piece of legislation, somebody wants to do one thing, others don't like it, and the legislators get to the point where they are hearing from both sides, all sides, maybe five or six sides, you never know, right? So ultimately, they decide that rather than piss one group off, quite honestly, they do nothing. But then, usually what happens is it is those same legislators they say 'alright, all you people, you get together and figure this out amongst yourself and bring us back a solution, because we don't want to have to do it', we want a solution.

H2: They tried that, to no success, during the legislative process. So what they did was they punted it and said Patrick you go figure it out.

A: Is there a way we can resolve this by maybe just writing some rule?

A: Definitions.

H: Yes, so that's kind of why I am coming to the stakeholders and we can certainly do that. Certainly write a definition to help clarify some things.

A: So a definition is really what you guys are looking for, a better definition?

H3: No, it would be in the rule. It would define, 'this is what a cottage food is.' So now it is in rule, and it is usable. People can look at that and it becomes a resource.

H: Ultimately, and I don't mean to punt again, ultimately, our job, and I am saying this collectively, is our job is to enforce the law and the rules, whatever those are. Part of my job is to periodically update the rules. That is what I am doing with the Idaho Food Code right now. So the rule is open for revision in the Idaho Food Code. What I am saying is that if we want to write a definition about cottage foods, now is the time to do it. We can do that. That is relatively easy.

I was asked by a couple of you who came in later on if this presentation is available online. It is available at [www.foodsafety.idaho.gov](http://www.foodsafety.idaho.gov). I am accepting comments on this and the Idaho Food Code until July 24<sup>th</sup>. I do ask for your consideration, and try to submit as early as possible, simply because I have to work backwards from the deadline. Remember, I mentioned that in Idaho all agency rules are eventually approved by the legislature. So with the updated Idaho Food Code, my intention is to present to the 2016 Idaho legislature an updated Idaho Food Code. That means that I have to present to my Board in November, which means I have to have a final proposed rule available for public comments by the third part of September. I don't remember the exact date. So to be able to incorporate comments and suggestions into that final draft version I'm asking for a deadline of July 24<sup>th</sup> which will then allow me to meet my statutory obligation of allowing public comment period, publishing and trying to get the information out. Incidentally, I will also let you folks know that after this final draft of the Idaho Food Code proposed is ready to go I will also be holding public meetings on that. So I would probably be back up here in the Coeur d'Alene area, probably around late August is my target right now. I don't have a concrete date. But I will certainly try to get those dates out and let folks know. And that will be a public hearing on what the proposed updates to the Idaho Food Code will look like.

I can tell you this. I'm not from Idaho originally, I love living here. I grew up in Colorado. I love living in Idaho. One of the things I love here is that I try to be active in the political process and I would encourage you folks to do the same thing. Contact your legislators; they want to hear from you. The gentleman in the back, he was explaining the legislators were trying to balance this stuff, well, how do we incorporate all of this stuff and can we get something that will make everybody happy. I don't know if we can or not. I'd like to, I'd like to think that. But ultimately your legislators would like to hear from you about this and any other issue as well.

A: I would just really like to see, if small businesses are starting to grow, and I know why because the processes and all the rest of the stuff, but, I would like to see that there is something that they don't have difficulty insuring so that they can get into business. And the less foods that are insured by not having any statute, well, I would rather see it cut and dry so you can get your insurance and go.

H: I absolutely understand that. Now, Dale was starting to talk about the potential liability of foods and you know, I think that anybody who produces foods needs to understand that ultimately the product you are going to make is going to go into the mouth of a one year old or two year old. If you think of it that way, ultimately that is what is going to happen.

There are legal professionals who would love to meet you guys in a professional setting if something goes wrong. I'm not trying to frighten anybody but I am just letting you know that if you are making food you need to think in terms of ultimately this is going to go into a kids mouth.

There are several different ways you can submit comments. That top email address will go right to my desk. That food protection email address is another inbox that Barb and I have, that we try to check daily. Sometimes we can't check it daily but we do try to check it periodically. You are absolutely welcome to submit it that way. Our phone numbers are up there. 5938 goes to Barb's desk and 5936 goes to mine. If you want to mail in something here is the mailing address. I do have cards up here if anybody wants one.

Finally again, I do want to thank you for your attendance. I cannot do my job successfully without people like you being engaged in the process. So I really do appreciate your attendance today. If you guys ever have any questions about food safety, I hope you will feel comfortable enough to give me a call.